

## **EXHIBIT G**

# Detroit Free Press

A GANNETT COMPANY

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**Herschel P. Fink**  
Legal Counsel

June 10, 2013

Priscilla Jones  
Supervisory Administrative Specialist  
U.S. Department of Justice Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, D.C. 20530-0001

**Re: Request No. 2013USMS22707-Several  
Booking Photographs  
Appeal No. AP-2013-02651  
and  
Request No. 2013USMS22859-Several  
Booking Photographs  
Appeal No. AP-2013-02662**

Dear Ms. Jones:

On April 10, 2013, I received your two attached (but undated) acknowledgment letters in response to my client Detroit Free Press' above-referenced appeals from the denial of two FOIA requests for mug shots. You acknowledged that these administrative appeals were received by your office on March 25, 2013.

Pursuant to 5 USCA §552(a)(6)(A)(ii), your agency had 20 working days after receipt to make a determination of these appeals. I calculate the time would have expired on or about April 22, 2013.

Given the Marshal's Service's history on this issue - - detailed in my appeals - - and the Detroit Free Press' experience with the Marshal's Service - - also described in the appeals - - I must conclude that the failure to timely adjudicate these administrative appeals constitutes a rejection, and that the Free Press has constructively exhausted its administrative remedies.

# Detroit Free Press

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Priscilla Jones  
June 10, 2013  
Page Two

Nevertheless, the Free Press will not file suit before June 21, 2013 - - two months longer than it need wait - - in the hope that your office will yet agree that the Sixth Circuit's decision in *Detroit Free Press v Department of Justice*, 73 F.3d 93 (6<sup>th</sup> Cir. 1996), *reh'g denied*, 1996 U.S. App. LEXIS 8867, is binding with regard to these two requests.

Very truly yours,

Detroit Free Press, Inc.

By: 

Herschel P. Fink  
Legal Counsel

**Fink, Herschel**

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**From:** OIP-NoReply [A.OIP-NoReply@usdoj.gov]  
**Sent:** Wednesday, April 10, 2013 3:56 PM  
**To:** Fink, Herschel  
**Subject:** Appeals received by OIP  
**Attachments:** 13.02651.pdf; 13.02662.pdf

4/15/2013

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U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

Herschel P. Fink, Esq.  
Detroit Free Press  
615 W. Lafayette Boulevard  
Detroit, MI 48226

Re: Request No. 2013USMS22707- Several Booking Photographs

Dear Mr. Fink:

This is to advise you that your administrative appeal from the action of the United States Marshals Service was received by this Office on March 25, 2013.

The Office of Information Policy has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number AP-2013-02651. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal you may contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Jones".

Priscilla Jones  
Supervisory Administrative Specialist



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

Herschel P. Fink, Esq.  
Detroit Free Press  
615 W. Lafayette Boulevard  
Detroit, MI 48226

Re: Request No. 2013USMS22859 – Several Booking Photographs

Dear Mr. Fink:

This is to advise you that your administrative appeal from the action of the United States Marshals Service was received by this Office on March 25, 2013.

The Office of Information Policy has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **AP-2013-02662**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal you may contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Jones".

Priscilla Jones  
Supervisory Administrative Specialist